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Greenberg Traurig
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Atty's Docket No. 37402.010600VPU

In re application of: Michael STAW
Serial No.: 10/670,777
Filed: September 26, 2003

Mail Stop Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS CORRESPONDENCE
IS BEING TRANSMITTED VIA FACSIMILE
TRANSMISSION TO THE UNITED STATES PATENT
AND TRADEMARK OFFICE AT (703) 306-5995.
ON June 14, 2005
BY Sandra Ferony
SANDRA FERONY

Total Pages: 9

Sir:

Transmitted herewith is a Response to Non-Final Office Action in the above-identified application.

☒ Applicant claims the benefit of Small Entity Status.

☒ No additional claim fee is required.

The fee has been calculated as shown below.

(1)	(2) CLAIMS REMAINING AFTER AMENDMENT	(3)	(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS	10	MINUS	20		x \$25.00	\$00.00
INDEP. CLAIMS	4	MINUS	4		x \$100.00	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM						
				TOTAL ADDITIONAL FEE FOR THIS AMENDMENT		\$00.00

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Attorney Docket: 37402.010600VPU

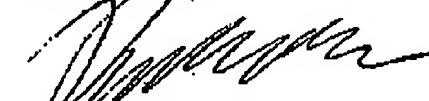
Serial No. 10/670,777

Final Office Action Mailed December 14, 2004

- ☐ The amount of \$ _____ is included in the attached check.
- ☐ Please charge my Deposit Account No. 50-0653 in the amount of \$ _____. Two copies of this sheet are attached for this purpose.
- ☒ Applicant(s) request(s) that the time for taking action in this case be extended pursuant to 37 C.F.R. §1.136(a).
- ☐ Included in the attached check is the statutory fee of \$ 0 for an extension of time for _____ months.
- ☒ If the box for the sentence immediately above is marked but no check is attached, then charge the statutory fee recited in such sentence for an extension of time of the number of months recited in such sentence to Deposit Account No. 50-0653. Two copies of this sheet are attached for this purpose.
- ☒ Charge the Statutory Fee of \$ 510 for an extension of time of 3 month(s) to Deposit Account No. 50-0653.
- ☒ The Commissioner is hereby authorized to charge any deficiencies in payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0653:

Respectfully submitted,

Greenberg Traurig



BY:

Richard E. Kurtz, II (Reg. No. 33,936)

DATE: June 14, 2005

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Attorney Docket No.: 37402.010600
Serial No. 10/670,777

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: STAW

Group Art Unit: 3713

Serial No.: 10/670,777

Examiner: Hotaling, John M.

Filed: September 26, 2003

For: GAME PAYOUT VALUE MODIFICATION SYSTEM AND METHODS

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313

Sir:

In response to the Office Action mailed December 14, 2004, please amend the above-captioned application as follows:

Amendments to the Claims are reflected in the Listing of Claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

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Attorney Docket No.: 37402.010600
Serial No. 10/670,777

AMENDMENTS TO THE CLAIMS:

The Listing of Claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A game payout value modification method, comprising:
 - selecting a game to be played;
 - establishing a set of game outcomes;
 - establishing a pay table for the set of game outcomes;
 - initiating the game;
 - selecting at least one bonus winning outcome from the set of game outcomes;
 - modifying the pay table entry associated with the at least one selected bonus winning outcome;
 - playing the game until an outcome is determined for at least one player; and,
 - paying the at least one player according to the modified pay table,
 - wherein the pay table modification is the winning of an alternative pot.
2. (Original) The game payout modification method of Claim 1, wherein the bonus winning outcome is selected at random from a set of outcomes with each possible outcome having substantially the same odds of being selected.
3. (Original) The game payout modification method of Claim 1, wherein the bonus winning outcome is selected at random from a set of outcomes with different outcomes having different odds of being selected.
4. (Original) The game payout value modification method of Claim 1, wherein the game to be played is a form of Poker.
5. - 8. (Canceled)
9. (Currently Amended) The game payout value modification method of Claim [[8]]
1. wherein the alternative pot is won by a player if a game outcome associated with the

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Attorney Docket No.: 37402.010600.
Serial No. 10/670,777

player at the end of the game matches the bonus winning outcome, regardless of whether the player wins the game.

10. (Currently Amended) The game payout value modification method of Claim [[8]]
1, wherein the alternative pot is divided evenly among all players for whom an associated game outcome at the end of the game matches the bonus winning outcome, regardless of whether the player wins the game.

11. - 15. (Canceled)

16. (Currently Amended) The game payout modification method of Claim [[15]] 1,
wherein the alternative pot is a progressive pot.

17. - 20. (Canceled)

21. (New) A game payout value modification method, comprising:

selecting Blackjack as a game to be played;

establishing a set of game outcomes;

establishing a pay table for the set of game outcomes;

initiating the game;

selecting at least one bonus winning outcome from the set of game outcomes;

modifying the pay table entry associated with the at least one selected bonus
winning outcome;

playing the game until an outcome is determined for at least one player; and,

paying the at least one player according to the modified pay table.

22. (New) A game payout value modification method, comprising:

selecting a game to be played;

establishing a set of game outcomes;

establishing a pay table for the set of game outcomes;

initiating the game;

selecting at least one bonus winning outcome from the set of game outcomes;

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modifying the pay table entry associated with the at least one selected bonus winning outcome;

playing the game until an outcome is determined for at least one player; and,

paying the at least one player according to the modified pay table,

wherein the pay table modification is the re-ordering of the pay table such that the selected bonus hand is the highest ranking hand.

23. (New) A game payout value modification method, comprising:

selecting a game to be played;

establishing a set of game outcomes;

establishing a pay table for the set of game outcomes;

initiating the game;

selecting at least one bonus winning outcome from the set of game outcomes;

modifying pay table entries for game outcomes with rankings above that of the at least one selected bonus winning outcome;

playing the game until an outcome is determined for at least one player; and,

paying the at least one player according to the modified pay table.

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REMARKS

Claims 1-20 are pending. Claim 1 has been amended to recite that the pay table modification is the winning of an alternative pot. Claims 9, 10, and 16 have been amended to make them depend from claim 1. Claims 5-8, 11-15, and 17-20 have been canceled. New claims 21-23 have been added. Support for new claims 21-23 may be found, *inter alia*, in original claim 5, original claim 19, and paragraph [0026], respectively. No new matter has been added.

Rejection of Claims 1-7, 11-14, and 17-20 Over Charron

Claims 1-7, 11-14, and 17-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,542,669 to Charron et al. (hereinafter "Charron"). Applicant respectfully traverses these rejections for at least the following reasons.

Independent claim 1 has been amended to recite that the pay table modification is the winning of an alternative pot, a feature which is not taught or suggested by Charron. Therefore, claim 1, as well as dependent claims 2-4, 9, 10, and 16, are believed to be patentable over Charron. Withdrawal of the rejections is respectfully requested.

Rejection of Claims 8-10, 15, and 16 Over Charron and Mishra

Claims 8-10, 15, and 16 are rejected under 35 U.S.C. §103(a) as being obvious over Charron in view of U.S. Patent Application Publication No. 2004/0053673 to Mishra (hereinafter "Mishra"). Claims 8 and 15 have been canceled, thereby rendering the rejection moot. The remaining rejected claims 9, 10 and 16 have been amended to depend from claim 1, as amended, which is patentable for the reasons set forth above. Applicants further respectfully traverse these rejections in that there is no motivation to combine the Charron and Mishra references.

Applicants further note that Mishra was filed on September 12, 2002, a mere 14 days prior to the filing date of U.S. Patent Application Serial No. 60/413,470, to which the present application claims priority, and which supports the inventions of the relevant

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claims of the present application. Applicants are prepared to file a §1.131 Declaration to swear behind Mishra should Mishra be at issue subsequent to the present claim amendments.

New Claims 21-23

New claim 21 corresponds to original claim 5, and recites "selecting Blackjack as a game to be played" and "modifying the pay table entry associated with the at least one selected bonus winning outcome." While Charron briefly mentions blackjack in col. 1, line 18, the remainder of the reference exclusively addresses video poker. See, e.g., Figs. 1-5. Charron does not teach, disclose, or suggest applying its disclosed method to blackjack, nor does the Office Action contend so. Therefore, new claim 21 is believed to be patentable over Charron.

New claim 22 corresponds to original claim 19, and recites that the pay table modification is the re-ordering of the pay table such that the selected bonus hand is the highest ranking hand. Charron does not teach, disclose, or suggest this feature. For example, referring to Fig. 4, even though a five-coin flush is the bonus hand whose payout has been modified from 25 to 40, the five-coin flush clearly is not the highest ranking hand—e.g., it is still outranked by a four-of-a-kind, a straight flush, and a royal flush. In view of the above, new claim 22 is believed to be patentable over Charron.

New claim 23 recites modifying pay table entries for game outcomes with rankings above that of the at least one selected bonus winning outcome. Charron does not teach, disclose, or suggest this feature. In view of the above, new claim 23 is believed to be patentable over Charron.

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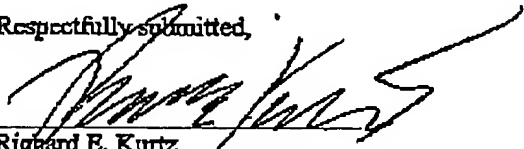
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Serial No. 10/670,777

CONCLUSION

Having responded to all objections and rejections, it is respectfully submitted that the application is in condition for allowance and Notice to that effect is solicited. Should the Examiner determine that any further action is necessary to place this application into better form for allowance, the Examiner is encouraged to telephone the undersigned representative at the number listed below. No further fees are believed due. However, if there are any fees due, please charge the same to our Deposit Account No. 50-0653 and reference the attorney docket number above.

Date: 6/14/05
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703-749-1300

Respectfully submitted,

By: 
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Registration Number 33,936

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